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C O N F I D E N T I A L SECTION 01 OF 02 MANILA 002491

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TAGS: [PGOV](#) [PHUM](#) [KJUS](#) [KWMN](#) [RP](#)
SUBJECT: MAGUINDANAO MASSACRE: MORE CHARGES LIKELY; PRIVATE
ARMIES EYED; SECURITY FORCES REASSIGNED

Classified By: Ambassador Kristie A. Kenney, Reasons
1.4 (b) and (d)

11. (C) SUMMARY: Senior Palace official Jess Dureza told the Ambassador that -- eight days after the massacre of 57 people in Maguindanao province -- the situation there remains tense, the government is broadening its investigation, and many Philippine National Police (PNP) and Armed Forces of the Philippines (AFP) personnel were negligent in the incident. Prosecutors and judges received anonymous threats but are pressing forward. They formally charged Ampatuan clan member Andal Ampatuan, Jr., with 25 counts of murder and stated that they have not found evidence of rape. Two AFP commanders were relieved of their duties for alleged "lapses" in leadership, although their troops are not being investigated for direct involvement in the murders. The events in Maguindanao have highlighted the problem of politicians' private armies and the central government's toleration of the armed groups. END SUMMARY.

"MANY ARE RESPONSIBLE"

12. (C) In a December 1 conversation with the Ambassador, Palace Secretary Jesus "Jess" Dureza, President Arroyo's advisor on Mindanao affairs and crisis coordinator for the November 23 massacre, said the situation in Maguindanao province is tense and likely to deteriorate further. Dureza said the scale and scope of the massacre is "beyond comprehension," and the government is likely to charge additional regional officials -- possibly including police officers -- since "many groups had a hand in this." He was also critical of armed forces commanders in the province, whom he suspects knew about some of the criminal activity but did not take action to prevent it. The Ambassador underscored our consistent message to the government, stressing that we are deeply troubled by the murders and that a rapid, transparent, and thorough investigation is vitally important for the Philippines.

INVESTIGATION PROCEEDING DESPITE THREATS

13. (U) On December 2, Justice Secretary Agnes Devanadera said publicly she had received anonymous threats seeking to dissuade her from vigorously pursuing charges against members of the Ampatuan clan. Devanadera said threats had also been received by judges and court personnel in Cotabato City, where some cases arising from the November 23 massacre were expected to be heard, and that the government had taken steps to ensure the safety of legal personnel. She added that her team had filed for the trial venue to be moved to Manila.

14. (U) Also on December 2, prosecutors formally charged Andal Ampatuan, Jr. -- the Mayor of Datu Unsay and son of clan chief Andal Ampatuan Sr. -- with 25 counts of murder. Regarding the charges, which are based on the results of the

first 25 autopsies, Devanadera said the government had strong evidence from witnesses that Mayor Ampatuan carried out the massacre, and that more witnesses were coming forward. An investigator also told the media that a firearm seized from an individual linked to the Ampatuans was matched to shell casings recovered at the crime scene.

NO EVIDENCE OF RAPE

15. (SBU) Despite earlier reports, investigators have so far found no evidence that rapes were perpetrated during the November 23 incident. The forensic experts who carried out the autopsies are conducting DNA tests to further verify that negative finding. Some of the female victims, pants were open, but officials are hypothesizing that that may have resulted from post-mortem swelling in the tropical heat, or from the rough handling that the corpses received when they were buried by the perpetrators. Some corpses had wounds near their genital areas, but some victims were shot many times, so it is not known whether these were deliberate acts of genital mutilation.

PRIVATE ARMIES UNDER SCRUTINY

16. (C) The events in Maguindanao have highlighted the problem of politicians' private armies and the central government's toleration of the armed groups. For many years, political leaders in throughout the Philippines, but especially in Muslim Mindanao, have drawn on funds from patronage and corruption to establish militias of differing degrees of

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legality. We estimate that the Ampatuan clan maintains a private army of up to 2,000 men -- who are often better armed and equipped than their PNP and AFP counterparts -- using wealth accumulated by a combination of legitimate business, strong arm tactics, and corruption flowing from their holding of the governorships of the Autonomous Region of Muslim Mindanao (ARMM) and Maguindanao Province.

17. (C) Historically, the central government has turned a blind eye to the militias, for a variety of reasons. Regional politicians support the central government's fight against Muslim insurgent groups, they are often politically allied with the President, and Manila likely also questions the underfunded AFP's capacity to successfully take on the militias. However, the Maguindanao massacre has caused a re-examination of the issue and, at a minimum, the government is cracking down on the Ampatuan clan's armed groups. On December 1, AFP troops surrounded the residential compound of Zaldy Ampatuan, who is Governor of the ARMM and the brother of the accused massacre mastermind. The central government stated that the action has been taken to prevent firearms from being "spirited out" of the property and to enforce the suspension of the ARMM and Maguindanao governors from their duties.

ARMED FORCES COMMANDERS RELIEVED

18. (C) The AFP relieved two of their ground commanders in Maguindanao province for "lapses" in leadership. Sixth Infantry Division commander Maj. Gen. Alfredo Cayton and 601st Brigade Commander Col. Medardo Geslani were reassigned, although an AFP spokesman emphasized that their troops are not yet being investigated for direct involvement in the murders. The spokesman said that the two officers were relieved "to give way to an impartial and transparent investigation" based on complaints that the two officers refused to provide security to the Mangudadatu clan members whose attempt to file for election ended in the massacre.

COMMENT

19. (C) In his conversation with the Ambassador, it was clear that Secretary Dureza was deeply appalled not just by the killing of 57 civilians, women, and journalists, but also by the growing numbers of groups and individuals -- including elected officials, military officers and law enforcement officials -- involved in the Maguindanao massacre either by acts of commission or omission. He said that the government would "go all the way" in pursuing the Ampatuan clan and implied that family patriarch Andal Ampatuan, Sr., could also be arrested. Relieving the two armed forces commanders is a positive step, demonstrating that both the government and the AFP leadership are treating the November 23 massacre with the seriousness required by such a shocking human rights violation. Investigators also appear to moving carefully to gather evidence for prosecution. Their initial findings that no rapes occurred suggests that this crime was not primarily gender-based, but rather that the perpetrators intended to murder whomever they found in Mangudadatu convoy, irrespective of gender.

KENNEY